

### REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated November 10, 2009.

Claims 1-3, 9, 12-14, 20, 23-25 and 31 are currently pending in the application.

Applicant acknowledges allowance of claims 1-3, 9, 12-14 and 20.

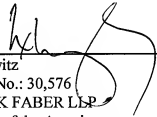
Claims 23-25 and 31 were rejected under 35 USC 101 as being directed to non-statutory subject matter. Claims 23-25 and 31 were directed to a computer program without being defined as being on a computer-readable medium or computer-readable memory and were considered non-statutory on that basis. The Examiner suggested amending the claims to embody the program on "computer readable medium" or equivalent provided that the specification does not define the computer readable medium as a "signal", "carrier wave" or "transmission medium". Accordingly, in response thereto, it is submitted that the specification does not define any computer readable medium as a non-statutory "signal", "carrier wave" or "transmission medium". Instead, the specification, at page 17, line 20 through page 18, line 6, discloses an image processing device 4 exemplified by a personal computer, work station and a portable information terminal with a data storage unit which can be used for processing image data (i.e., with the program and program execution). Independent claim 23 has, in conformity therewith, been amended to specify that the program is "on a computer readable storage unit". Claim 23 (and claims 24-25 and 31, dependent thereon) is accordingly statutory.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE PATENT AND  
TRADEMARK OFFICE EFS FILING  
SYSTEM ON February 10, 2010.

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